

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

B&B TEXAS EQUIPMENT LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-22-00911-JD
	)	
SJ MCKEE, individually; USA	)	
AIRCRAFT BROKERS, INC.;	)	
and AERO-SPACE REPORT, INC.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff filed a Second Amended Motion for Default Judgment Against Defendant USA Aircraft Brokers, Inc. on April 29, 2024. [Doc. No. 75].<sup>1</sup> The Court referred this action to United States Magistrate Judge Amanda Maxfield Green under 28 U.S.C. § 636 and Federal Rules of Civil Procedure 55(b)(2) and 72. [Doc. No. 76].

On June 27, 2024, Judge Green issued a Report and Recommendation, recommending that the Court deny the motion and dismiss Plaintiff's action without prejudice as to Defendant USA Aircraft Brokers, Inc. [Doc. No. 78]. Judge Green advised Plaintiff of its right to object to the Report and Recommendation by July 11, 2024, and explained that failure to timely object to the Report and Recommendation would waive appellate review of the factual and legal issues contained in the Report and Recommendation. *Id.* at 7. To date, Plaintiff has not filed an objection to the Report and Recommendation.

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<sup>1</sup> This is the only remaining defendant. All other defendants have been dismissed. *See* [Doc. Nos. 41, 77].

“[A] party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). By not objecting to a magistrate judge’s report and recommendation, the parties waive their rights to challenge the legal and factual basis for the magistrate judge’s decision. *See Ayala v. United States*, 980 F.2d 1342, 1352 (10th Cir. 1992) (holding that the plaintiffs “waived their right to appeal the magistrate’s ruling” because they did not file any objections); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) (“Our waiver rule provides that the failure to make timely objection to the magistrate’s findings or recommendations waives appellate review of both factual and legal questions.”).

With no objection being filed, and concurring with Judge Green’s findings and recommendations, the Court ACCEPTS the Report and Recommendation [Doc. No. 78]. For the reasons stated in the Report and Recommendation, the Court DENIES Plaintiff’s Second Amended Motion for Default Judgment Against Defendant USA Aircraft Brokers, Inc. and DISMISSES Plaintiff’s action without prejudice as to USA Aircraft Brokers, Inc. A separate judgment will follow.

IT IS SO ORDERED this 15th day of July 2024.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE